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International Covenant on Civil and Political Rights

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Human Rights Committee
113th session

Summary record of the 3146th meeting
Held at the Palais Wilson, Geneva, on Monday, 23 March 2015, at 3 p.m.

Chairperson: Mr. Salvioli

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Third periodic report of Croatia

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Croatia (CCPR/C/HRV/3; CCPR/C/HRV/Q/3)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

2. **Ms. Artuković Kunšt** (Croatia) said that Croatia was committed to the implementation of the Covenant and to the furtherance of human rights in general. Great strides had been made in the protection of human rights in Croatia, partly as a consequence of its adoption of sophisticated standards in the course of the challenging negotiations that had preceded its entry into the European Union on 1 July 2013 and its establishment of a strong human rights track record.

3. The legislative and institutional framework for the protection and promotion of human rights in Croatia was continuously being improved through the enactment of new laws and the development of national strategies, programmes and projects. The Free Legal Aid Act of 2014 facilitated citizens' access to the judicial system. Basic legal assistance was now available to everyone, and some of the more complex forms of assistance could also be provided without verification of the beneficiary's income status. Moreover, verification of income status was never required for victims of violent crimes.

4. Under the Act for the Protection of Persons with Mental Disorders of 2015, the medical approach had been replaced by a human-rights-based approach in line with the Convention on the Rights of Persons with Disabilities. The right of persons suffering from a mental disorder to take part in legal proceedings affecting them was also upheld, as was the principle of non-institutional psychiatric treatment for such persons. The maximum period of admission of a person with a mental disorder to a psychiatric institution had been reduced to 48 hours.

5. The Act on Professional Rehabilitation and Employment of Persons with Disabilities of 2014 had introduced an obligatory quota for the employment of persons with disabilities. Compliance with the quota was monitored by the Institute for Expert Analyses, Professional Rehabilitation and Employment of Disabled Persons. The Social Welfare Act of 2014 provided the basis for a fairer, standardized and transparent welfare system.

6. Human rights and freedoms were guaranteed by the Constitution and by the Constitutional Act on the Rights of National Minorities and other laws. A task force had been appointed to develop a new national scheme for the elimination of discrimination for 2015–2020. The adoption of the Life Partnership Act of 2014 had been a major step forward in upholding the rights of same-sex couples. Progress had also been achieved in the area of gender equality. Under the amended Act on the Election of Representatives to the Croatian Parliament of 2015, the National Election Commission would no longer accept lists if either gender were represented by less than 40 per cent of the candidates. That quota was also applied under the Local Elections Act. The 2011–2015 National Gender Equality Policy focused on the promotion of a gender balance in the business environment, in the labour market and in education.

7. Croatia had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 22 January 2013, thereby demonstrating its commitment to the prevention of all forms of discrimination and violence against women.

8. A national programme of psychosocial and medical assistance for participants in the Homeland War and the Second World War, victims of those wars and returnees from

peacekeeping missions had been established in January 2014. The categories of eligible programme beneficiaries had been extended to include victims and witnesses of rape and sexual harassment during the Homeland War, victims and witnesses of war crimes, disabled peacetime military veterans and members of their families, civilian victims of the Homeland War and others. Work was proceeding on a bill to protect the rights of victims of sexual violence in the Homeland War as well. Croatia had continued to investigate and prosecute persons suspected of committing war crimes, and a memorandum of understanding had been signed in September 2014 between the State Attorney's Office and the Office of the Prosecutor of the Mechanism for International Criminal Tribunals, which would continue to perform essential functions of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia after the completion of their mandates.

9. The provisions of the new Criminal Code, particularly those dealing with human trafficking and the sexual exploitation of children, had been aligned with international and European Union instruments, and work was moving forward on further amendments dealing with the criminal offence of domestic violence.

10. Croatia had endeavoured to improve the prison system and the treatment of prisoners. The number of prisoners had been declining, and new prison facilities had been built, with the result that there was now sufficient capacity to accommodate all prisoners. Under the new Obligatory Health-Care Insurance Act, prisoners who were residents of Croatia were entitled to medical insurance. An ordinance on the treatment of persons being held in police detention units had been adopted in June 2014 in order to align Croatian law with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

11. The Government of Croatia had devoted special attention to the prevention of human trafficking. In addition to the criminal laws and jurisprudence that were in place, it had organized numerous awareness-raising campaigns and was funding a toll-free anti-trafficking hotline.

12. **Mr. Rodríguez-Rescia** asked what measures were being taken by the State party to promote awareness of the Covenant, to disseminate the Committee's previous recommendations, and to inform the general public about the action it was taking to implement the Covenant and those recommendations. He had looked at the websites of the Ministry of Justice and the Ministry of Foreign Affairs and had been unable to find any such information. He asked whether a systematic plan had been adopted for publicizing the Committee's past and forthcoming concluding observations. He also wished to know how civil society was involved in the work of promoting and protecting human rights.

13. He was gratified to see that article 141 of the Croatian Constitution provided that international treaties had primacy over national laws. The Committee would be interested in hearing about cases before the Constitutional Court or in criminal or civil courts in which there had been a conflict between a national law and the Covenant or other international human rights treaties. Commending Croatia on its ratification of a large number of human rights treaties, he enquired about progress towards ratification of the Second Optional Protocol to the Covenant, the International Convention for the Protection of All Persons from Enforced Disappearance and the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Committee had been informed that very few courts invoked human rights treaties. He would be interested to learn whether the State party had developed indicators for assessing the impact of the National Plan for the Protection and Promotion of Human Rights and of human rights treaties at the local, regional and national levels. He would also like to know what training courses on the application of human rights treaties and relevant international jurisprudence were available to judges, prosecutors and lawyers. There was some concern that university

law faculties should be taking more effective action to promote human rights education and awareness-raising.

14. **Mr. Vardzelashvili**, referring to question No. 4 of the list of issues, noted that the Committee had found Croatia to be in violation of the Covenant in two cases. The State party had informed the Committee that, in the case of *Paraga v. Croatia*, legal proceedings had been conducted at different levels of the judiciary and that, in the case of *Vojnović v. Croatia*, it had also responded to the author's request and provided an effective remedy. During the follow-up process, the State party had informed the Committee that it was not in full agreement with its Views but had nevertheless proceeded to implement them, which was certainly a commendable approach. He would appreciate additional information about the rules governing the follow-up process. Noting that both sources had said that they were still dissatisfied, he asked whether any further procedures were available that could have an impact on the outcome.

15. Turning to question No. 5 of the list of issues, he said that, while article 14 of the Constitution did indeed guarantee equality before the law for all persons without discrimination, other provisions of the Constitution seemed to imply that protection was afforded only to Croatian citizens in some cases. Article 17, for example, stated that the curtailment of rights and freedoms during a state of emergency should not result in "the inequality of citizens". Did that mean that the rights of foreign nationals or stateless persons would not be protected under those circumstances? In one English version, article 26 stated that citizens and "aliens" enjoyed equality before the courts. In another, the word "aliens" was replaced by "foreign nationals". He asked whether the term in the original version of the Constitution covered both foreign nationals and stateless persons residing in Croatia. The Ombudsman had noted that most stateless persons in Croatia belonged to the Roma community. According to the second periodic report, under article 80 of the State Administrative System Act, only citizens and legal persons were entitled to submit petitions and complaints to administrative bodies. Articles 306 and 309 of the Civil Procedure Act contained similar wording. He would like to know whether the legislation had been amended in the meantime.

16. Turning to question No. 6 of the list of issues, he noted that the Office of the Ombudsman had been accredited by the International Coordinating Committee in 2013 as a national human rights institution with "A" status. The Ombudsman Act designated the Office as the national mechanism for the prevention of torture and empowered the Ombudsman to intervene in court proceedings in certain cases. He welcomed the enhancement of cooperation between the Office of the Ombudsman and NGOs, but he wished to know whether funding allocations were commensurate with the Ombudsman's new mandate and whether the Office itself was involved in drawing up the budget. According to a recent report by the Ombudsman, a number of regional ombudsman's offices had already been opened. Were there plans to open any additional offices? He understood that one of the main challenges facing the Office of the Ombudsman was some public authorities' failure to respond promptly to questions raised by the Office. He would like to know whether any penalties could be imposed on public officials who refused to provide requested information.

17. According to the State party's reply to question No. 12 of the list of issues, the preconditions for curtailing constitutionally guaranteed rights and freedoms under article 17 of the Constitution were a state of war, any clear and present danger to the independence and unity of the State, and a natural disaster. According to article 4 of the Covenant and the Committee's general comment No. 29, a state of emergency could be triggered only by a situation that threatened "the life of the nation". It had been argued that article 17 of the Constitution provided a lower standard of protection than the Covenant. Article 4, paragraph 2, of the Covenant listed the articles from which no derogation could be made,

but it did not follow that other articles could be derogated from at will. Derogations should be justified on a case-by-case basis. He asked whether the State party considered that the provisions of article 17 of the Constitution contained sufficient guarantees for all residents of Croatia.

18. **Ms. Pazartzis**, referring to question No. 7 of the list of issues, said that she welcomed the adoption of the Anti-Discrimination Act and the expansion of the Ombudsman's mandate to encompass a wider range of issues related to discrimination. She would like to know what concrete measures had been taken to combat discrimination on grounds of racial, national or ethnic origin and to what extent the Anti-Discrimination Act had been implemented. Concern had been expressed about the small number of discrimination-related court cases and the failure to systematically keep full records of proceedings. She wondered whether the fact that such proceedings were infrequent might be due to a lack of public awareness of the Anti-Discrimination Act or to fears of victimization. She asked what percentage of rulings in discrimination-related cases had been in favour of complainants and what percentage had gone against them, whether collective complaints had been filed, especially concerning discrimination on grounds of race, ethnic origin, affiliation, colour or religion, and what types of sanctions had been imposed in cases where the complaint had been upheld.

19. She wished to know whether the State party had taken concrete measures to protect members of the Serb minority from discrimination, since the Committee had been informed that Croatian Serbs still faced problems with respect to housing and public-sector employment. Had any steps been taken to restore people's tenancy rights to social housing that they had vacated during the conflict? She would appreciate information about efforts to address violence, harassment and discrimination against the Roma community. The issue had been raised in a report by the Commissioner for Human Rights of the Council of Europe in 2010 and had been the subject of a judgement by the European Court of Human Rights in the *Oršuš and others v. Croatia* case. She would like to know whether Roma children still attended segregated classes and whether the Free Legal Aid Act had been brought to the attention of the Roma population. What steps have been taken to promote the official and public use of minority languages, education in those languages, and the preservation and establishment of religious communities? It would be of interest to learn what steps were being taken to implement the judgement of the European Court of Human Rights in favour of the Union of Churches in the case of *Savez crkava "Riječ života" and others v. Croatia*. She invited the State party to comment on the 2014 finding of the Constitutional Court that a petition for a referendum on minority language rights was unconstitutional.

20. She asked for information on the number of hate crimes committed in Croatia. She would like to know what the practical effects of the measures adopted to address them were, whether the authorities ensured that they were promptly investigated and that offenders were punished and how the prosecution of hate crimes was monitored.

21. **Ms. Waterval** said that she would like more information on the types of assistance provided to victims of sexual violence. She wished to learn more about the status of the action plan for improving the position of rural women. It would be useful to know whether the impact of the workshops, programmes and plans for rural women that had been organized had been assessed and, if so, what the results were. She would also like information on the results of the evaluation of the progress made in gender mainstreaming in school curricula. She asked how many shelters for women victims of violence were run by the State, whether funding for non-State shelters was sufficient and, if not, what other measures were in place to support them. She invited the delegation to comment on reports that the capacity of the shelters in Croatia fell short of what was recommended by the Council of Europe, that State funding did not cover the shelters' real costs and that shelters

had been instructed to look for funding elsewhere. Statistics would be appreciated on the number of complaints involving different forms of violence against women that had been filed, the number of convictions, the types of sentences handed down and the compensation awarded to victims.

22. She asked whether the compulsory psychosocial treatment for perpetrators of domestic violence was monitored and whether victims were informed that if they failed to file charges within the specified time frame, any protective measures that had been put in place would be rescinded. She wished to know whether persons who appealed court decisions had to be represented by counsel. Referring to paragraph 123 of the report, she asked whether the population was aware that victims who engaged in violence that went "beyond the scope of self-defence" would also be arrested. She would be interested to hear the delegation's comments on reports that domestic violence victims were often arrested in Croatia, that, in one case, the police had recommended that a woman whose husband had repeatedly threatened to kill her should be ordered to pay a fine six times greater than the recommended fine for her husband because she had insulted him, and that a woman who had been the victim of domestic violence but who had never lived with the perpetrator or had no children with him was not entitled to protection. She noted that, under Croatian law, economic and psychological violence were deemed to be on a par with physical violence and asked if that was the reason why women victims of domestic violence were often arrested along with the perpetrators. She invited the delegation to comment on reports that domestic violence victims seeking an emergency protection order were required to demonstrate that their life was in danger and that judges had refused to issue such orders for non-specific threats and other violent acts that did not meet certain criteria. The Committee had also received information that indicated that judges were not always available to consider urgent protection requests and that perpetrators of domestic violence could postpone the enforcement of protection orders by filing an appeal.

23. **Mr. Muhumuza** asked whether the delegation was concerned that firearms manufactured in Croatia might find their way into the hands of terrorists, particularly the Islamic State.

The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.

24. **Mr. Sočanac** (Croatia) said that the Office for Human Rights and the Rights of National Minorities was tasked with establishing and implementing policies to protect and promote human rights and the rights of minorities and monitoring legislation to check that it was aligned with the Constitutional Act on the Rights of National Minorities and with international human rights instruments. The Office worked with ministries, State agencies and local institutions and was the point of contact for various international organizations. It also monitored the implementation of the National Programme for the Protection and Promotion of Human Rights and the action plan for the integration of foreigners and coordinated the activities of the standing committee that worked to promote the integration of foreigners into Croatian society. The Office also coordinated efforts to put a stop to human trafficking and acted as the secretariat for the National Committee for Combating Trafficking in Human Beings. Additionally, the Office monitored the implementation of the 2013–2020 National Strategy for Roma Inclusion and its action plan and provided technical support to the working group on hate crimes. Members of civil society organizations participated on an equal footing in all of those bodies. The Office reviewed the reports of the Ombudsman and monitored discrimination cases. In response to an earlier comment, he explained that replies from the Government to requests by the Ombudsman for information were often delayed because the drafting and approval process was a lengthy one.

25. The functions of the Croatian Human Rights Committee, which had been established in 2012, included monitoring the implementation of measures in the area of human rights, proposing legislation, collecting data and organizing seminars and workshops. The

Committee had organized sessions on legal aid, civic education, lesbian, gay, bisexual and transgender (LGBT) rights and the implementation of the National Programme for the Protection and Promotion of Human Rights. Its members had also participated in a capacity-building workshop. Unfortunately, NGO representatives had been present at only three of those sessions.

26. **Ms. Artuković Kunšt** (Croatia) said that the text of the Covenant, in Croatian, had been posted on the website of the Ministry of Justice since 2013 and was accessible to the public. It had been unavailable at some points in the past while the website was being updated, but the redesign work had now been finished. In response to an earlier question about the Views of the Committee in two cases that it had considered under the Optional Protocol, she said that the case relating to social housing tenancy rights, which had been a feature of the country's former socialist system, had been settled out of court. In the other case, an appeal had been filed with the Supreme Court, which had increased the amount of compensation to be paid to the victim of the violation.

27. **Mr. Sočanac** (Croatia) said that, in accordance with the Anti-Discrimination Act, the Office of the Ombudsman had been designated as the country's lead anti-discrimination agency. That legislation also provided for the introduction of victim advocates, for the filing of collective anti-discrimination claims and for witness protection mechanisms in discrimination cases. The scope of the work of the Office of the Ombudsman had been broadened, and its coordination with other ombudsmen and the courts had been strengthened. The Office for Human Rights and the Rights of National Minorities had organized information events for a range of stakeholders that focused on the European Union acquis and the Anti-Discrimination Act. The Office had also conducted national campaigns to raise awareness of the need to put a stop to discrimination.

28. The 2008–2013 National Plan for the Fight against Discrimination included measures that would upgrade the system for protecting people from discrimination and provided for the preparation of policy documents that were in line with the conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the recommendations of both the Committee on the Elimination of Racial Discrimination and the European Commission against Racism and Intolerance.

29. Efforts were being made to raise public awareness of the right to non-discrimination and to encourage groups subject to discrimination to participate more fully in public affairs. The Office for Human Rights and the Rights of National Minorities had set up a working group to draft a new national action plan on discrimination for 2015–2020 and to assess the previous one. The new action plan would tackle a number of different types of discrimination (such as discrimination based on age, gender, disability, religion and other factors) in many different spheres, including employment, working conditions, education, access to goods and services, culture and the media. One of the goals would be to build partnerships with the entire range of stakeholders. The working group had met twice and had identified the measures to be taken under the new plan; a third and final meeting would take place to define progress indicators. Once the action plan was completed, the Office intended to hold public round tables to publicize it.

30. **Ms. Artuković Kunšt** (Croatia) said that the Government was fully committed to resolving the housing problems of persons who had been displaced by the war and, to that end, it had established the State Office for Reconstruction and Housing. The Office had identified the persons who had held tenancy rights to social housing units vacated during the war, but a decision regarding who was entitled to live in the available units still had to be made, and that decision needed to balance the rights of everyone involved.

31. **Ms. Puljić Žunjić** (Croatia), providing a statistical overview of efforts to house returnees and refugees, said that, since 2001, over 350,000 returnees had been registered

and 5.5 billion euros had been spent; 95 per cent of that sum had come from the State budget and the rest from international aid. Approximately 150,000 homes had been repaired or built at a total cost of 2.2 billion euros. Nearly 11 million euros in donations had already been earmarked for the construction or purchase of residential complexes and nursing homes for former tenancy right holders in 2015. Some 35,000 former tenancy right holders had received housing assistance, and over 19,000 homes had been returned to their original occupants. A regional housing programme was also being run jointly with the authorities of Bosnia and Herzegovina and of Serbia so that displaced persons could choose to remain in their host community or to return to their former place or country of residence.

32. The Government was aware of the urgency of resolving the housing situation, and it had therefore transferred that mandate to the local authorities and would be applying for additional funds from the Council of Europe Development Bank (CEB). The Government was also aware that encouraging people to return was not only a matter of providing housing, but also of facilitating their social and professional reintegration. For example, Croatian displaced persons and refugees who wished to return to their former place of residence could obtain certification of their status as returnees, which entitled them to health-care coverage and financial assistance for six months. Croatia was working in that connection with other countries in the region, as well as with CEB and the Office of the United Nations High Commissioner for Refugees (UNHCR).

33. **Mr. Sočanac** (Croatia) said that the Croatian population included 22 national minorities, which set it apart from the rest of Europe in terms of sheer numbers. Some 1.3 billion euros had been allocated for educational measures to benefit Roma children. A national strategy had been adopted for 2013–2020 that was in keeping with the European Union Framework for National Roma Integration Strategies. With a view to ensuring that all Roma children completed their primary education, a variety of measures had been put in place, including a preschool programme to prepare Roma children for primary school, a programme to teach them Croatian and an after-school programme. Additional funding was expected from the European Social Fund.

34. **Ms. Morosini Turčinović** (Croatia) said that social centres were conducting many different types of activities to raise the awareness of Roma parents about the importance of sending their children to school. Parents were being encouraged to monitor their children's academic achievements, and subsidies were available to cover the cost of school meals. Those and other such efforts were having a positive impact, as evidenced by higher school attendance, higher primary education completion rates, a more cooperative attitude on the part of many parents, fewer warnings issued to the parents of absent children and fewer child beggars.

35. **Mr. Rodríguez-Rescia** requested more detailed information on the results of the many different programmes for minorities and on the effective implementation of international instruments. Pointing out that the State party's replies regarding the training of judges and lawyers had been very general, he asked what the content of the training programme was and what budget was allocated for it. He wished to know what percentage of the Ombudsman's recommendations were implemented in practice, and he invited the delegation to comment on reports that NGOs were, in actual fact, not consulted on a systematic basis.

36. **Ms. Jelic** asked whether free legal assistance was accessible to all, including returnees and Serbian refugees.

37. **Mr. Politi** requested further information on the specific steps taken to regulate the transfer of small arms and light weapons and on how transparency was ensured in that regard.

38. **The Chairperson** asked whether there was a specific mechanism for following up on the Committee's recommendations. He requested more specific information on the verdicts mentioned in paragraph 73 of the report. Referring to paragraph 123 of the report, he said that he was concerned that victims might be deterred from coming forward by the fact that the police also filed reports with the authorities on victims of domestic violence whose actions had exceeded the scope of self-defence.

The meeting rose at 6 p.m.

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Summary record of the 3147th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 24th March 2015, at 10 a.m.

Chairperson: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Croatia (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Croatia (continued) (CCPR/C/HRV/3 and CCPR/C/HRV/Q/3)

1. *At the invitation of the Chairperson, the delegation of Croatia resumed places at the Committee table.*

2. The Chairperson invited the delegation to continue its replies to questions raised by the Committee at the previous meeting.

3. **Ms. Artuković Kunšt** (Croatia) said that civil society and NGOs were always consulted during the preparation of legislation to protect and promote human rights and that a monitoring procedure was in place to ensure the effective implementation of such legislation. Particularly fruitful discussions had been held with civil society and NGOs during the drafting of the Act on the Protection of Persons with Psychosocial Disabilities. That cooperation had prompted a conceptual shift from a medical to a social model with respect to the treatment of persons with psychosocial disabilities and awareness-raising among medical practitioners and the general public about the obstacles those persons faced. The Committee for Monitoring the Implementation of the National Strategy for Roma Inclusion 2013–2020 had been established and, on the basis of its evaluations, had proposed legislative amendments, which had subsequently been implemented.

4. **Mr. Sočanac** (Croatia) said that recommendations made by the Committee on the Elimination of Racial Discrimination and within the universal periodic review process had been incorporated into the National Programme for Protection and Promotion of Human Rights for the Period of 2013–2016. Most of the Programme's targets had been met, such as streamlining the judicial system and ensuring the right to a fair trial within a reasonable time, setting up an independent committee to guarantee access to public information, and monitoring payment of the minimum wage. An agency composed of members from academia and civil society monitored the impact of the Programme. It had drawn up a report containing recommendations to strengthen observance of human rights that would serve as a basis for the preparation of the National Programme for 2017–2020.

5. Seminars were held in the National School for Public Administration to raise awareness of the National Programme for Protection and Promotion of Human Rights and to discuss consultation methods to use with stakeholders during the preparation of legislation. The number and coverage of the seminars had dramatically increased over the previous four years. In addition, small-scale training relating to the implementation of anti-discrimination legislation was provided to police and judicial officials involved in proceedings related to discrimination and hate crime cases, covering the detection of cases of discrimination and the processing of complaints. Under the National Plan for Combating Human Trafficking for the Period 2012–2015, training was provided by competent State bodies and civil society organizations to the border police and police officers working in the field of organized crime. Lastly, specific training was also given regarding juvenile justice, organized crime and migrants in an irregular situation.

6. The Action Plan for the Removal of Obstacles in Realizing Individual Rights in the Integration of Foreigners 2013–2015 had been implemented and hate crime had been defined as a criminal offence in the new Criminal Code. Measures had been developed to combat all forms of violence on grounds of race and national or ethnic origin, and to provide speedy and fair legal remedy to the victims of those crimes.

7. A group of Reformist churches had submitted a complaint of discrimination and violation of freedom of religion to the European Court of Human Rights in 2010 on the grounds that the State refused to authorize the conclusion of common interest contracts. The group of churches maintained that the State prohibited the provision of Reformist religious education in primary and preschools and refused to recognize marriages celebrated within those churches. In 2014, however, a common interest contract had been signed between the Reformist and the Protestant churches.

8. **Ms. Artuković Kunšt** (Croatia) said that the scope of the provision of free legal aid had been extended. It covered unaccompanied and separated migrant children and was guaranteed to foreign nationals, including persons with temporary residence permits, those in irregular situations, under subsidiary protection and asylum seekers. Safeguards were in place to prevent the deportation of any foreign national with legal residence. While restrictions applied to the right to free legal counsel, persons in vulnerable situations were always afforded such protection.

9. **Mr. Boršić** (Croatia) said that the State party had signed the Arms Trade Treaty in 2013 and that legislation developed under the Ministry of Economy regulated the import, export and sale of arms. Permits in that regard were subject to a rigorous application procedure and could be authorized by the Ministry of Economy or by a special committee set up to monitor the sale and distribution of arms. The committee's decisions on the issuance of permits were based on eight criteria, which encompassed observance by the destination country of international human rights obligations, the level of risk of continued export to a third country not fulfilling certain international obligations, and the compatibility of the destination country's technology with the exported arms. In light of the fact that the State party was one of the countries along the Balkan Route, an action plan and corresponding committee had been established in 2009 to control the traffic of small arms and light weapons and to monitor drug smuggling.

10. **Ms. Artuković Kunšt** (Croatia) said that the courts could prescribe compulsory psychosocial treatment for perpetrators of domestic violence. In accordance with regulations supervised by the Ministry of Justice, professionals could administer treatment in prisons, hospitals or other medical facilities. Details of cases had to be entered in a register held by the Ministry and all authorities involved had to submit a joint report to the Ministry.

11. **Sir Nigel Rodley**, referring to the 2009 concluding observations, (CCPR/C/HRV/CO/2), in which the Committee had expressed concern about potential cases of war crimes that remained unresolved, asked why it had taken the State party so long to hold the working meeting in 2012 with the aim of undertaking activities to investigate and prosecute war crimes committed during and after Operation Storm. With regard to the Grubori case, he would like to know what accounted for the three acquittals out of the four prosecutions, what sentence had been imposed on the convicted defendant and whether all decisions in that case were final. Would the delegation provide further information on the two national priority cases related to war crimes committed by members of the Croatian Army and the police during and after Operation Storm, mentioned in paragraph 140 of the State party's report? He would also like information on the reasons why the International Criminal Tribunal for the former Yugoslavia (ICTY) had failed to provide material related to certain proceedings and why, despite the absence of that material, State attorneys could not take further actions.

12. He asked how the four largest county courts, which had been given jurisdiction over international war crimes, were expected to carry out work relating to war crimes in the light of civil society reports indicating that they had not been afforded the extra resources necessary to perform such work. He requested clarification on paragraph 146 of the State party's report on plans regarding perpetrators in national and regional crimes. While noting

that the courts in the State party did not currently process felonies in absentia, why had so much priority previously been given to trials in absentia, which had involved mainly perpetrators of Serb origin? Would the delegation provide information on the measures taken to ensure that the legal framework used for prosecution of cases related to command and superior responsibility and war crimes of sexual violence was in line with relevant international standards? Would the delegation also comment on reports from civil society stating that victim and witness support in the State party was fundamentally inadequate since it was not provided in all facilities or for the appropriate period of time?

13. With regard to pretrial detention, the Committee would welcome statistics on the number of detainees who were held in police stations before being formally remanded to custody. He wished to know whether any complaints of acts of torture or ill-treatment against persons deprived of their liberty had been recorded since the State party's report (CCPR/C/HRV/3) had been drafted. In that regard, it would be useful to have details of the three cases brought against officials referred to in paragraph 167 of the report, in particular whether compensation had been provided to victims in those cases where there had been no conviction. Noting that, according to the delegation, there was sufficient capacity in the prison system as a whole to accommodate the existing number of prisoners, he asked whether the problem of overcrowding had actually been solved in all individual facilities. He would like to know whether the State party intended to act upon the Ombudsman's recommendation that responsibility for health-care provision for prisoners should be transferred to the Ministry of Health.

14. With respect to the issue of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities, it would be interesting to know how the National Mental Health Strategy was being implemented and with what results. In view of concerns expressed by the Ombudsman for Persons with Disabilities about the lack of outpatient treatment for persons with psychosocial disabilities, he would like to know what the State party was planning to do in order to address that situation as a matter of urgency.

15. **Mr. Vardzelashvili** said that he would appreciate replies, in writing if necessary, to the questions he had asked during the previous meeting about the constitutional guarantees enjoyed by non-nationals and stateless persons and the implementation by the State party of the Committee's Views under the Optional Protocol, in particular in respect of remedies due to the victims of violations.

16. Despite the adoption of the National Plan for Combating Human Trafficking 2012–2015, reports by the European Commission and the United States Department of State indicated that the level of sentencing in trafficking cases remained too low to be a sufficient deterrent. He asked the delegation to explain the reasons for that situation and the action taken to address it. He also requested an explanation of the discrepancies between the statistics on trafficking victims and trafficking convictions provided by the Government and those produced by international organizations. Could the delegation comment on reports that, in practice, sentences for traffickers were generally lenient? Had the Government acted upon recommendations by international experts and organizations to improve protection for victims of trafficking, in particular by strengthening cooperation with specialized NGOs working in that field?

17. Although the State party had undoubtedly made impressive efforts to reconstruct housing units, concerns had been expressed about sharp reductions in the number of returnees and displaced persons receiving housing support since 2012. Reports also indicated that the majority of the estimated 30,000 refugee families who had lost their tenancy rights had been unable to repossess their properties or receive adequate compensation. It had also been reported that a lack of access for returnees to basic services

was an additional obstacle to the successful implementation of the Government's housing efforts. He would welcome the delegation's comments on those issues.

18. **Mr. Rodríguez-Rescia** said that the legal restrictions on, and attacks against, journalists who investigated corruption posed a serious threat to democracy. In that regard, the lack of progress in investigations into the attacks carried out against Dušan Miljuš and Stjepan Mesarić in June 2008 and June 2010, respectively, was a matter of particular concern. Such cases revealed deep structural problems that had not been addressed by the State party. For instance, the Government had failed to put in place a coherent set of measures to safeguard media freedom and to prevent an excessive concentration of media ownership. As a result, journalists increasingly exercised self-censorship for fear of facing legal action or of losing their jobs and livelihoods. He was also concerned about the threat to the freedom of expression posed by the manner in which the provisions of the 2013 Criminal Code relating to defamation were being applied by the courts. For instance, a recent court ruling seemed to suggest that media outlets should be subject to some form of prior censorship. The State party should therefore take steps to amend the relevant provisions of the Criminal Code and to provide training for judges on the application of norms relating to the freedom of expression.

19. With regard to the rights of persons belonging to minorities, he wished to know what measures had been taken to ensure that police procedures did not disadvantage such persons. In particular, he asked what had been done to put an end to the ethnic profiling of Roma and other minorities by the police. The Committee was concerned about the low level of representation of members of the Roma and the Serb minorities in decision-making positions within local government and the civil service. How did the Government intend to increase their participation in such positions? What was the Government doing to ensure full implementation of the Constitutional Act on the Rights of National Minorities, in particular with regard to encouraging the use of minority languages and ensuring minority access to the broadcast media? In view of the administrative and financial obstacles faced by ethnic Serbs in recovering property that they had lost during the war, he wished to know what measures the Government intended to take to ensure that such persons were able to access basic services and recover their rights.

20. Lastly, he asked the delegation to explain why, despite the implementation of desegregation measures, the number of Roma children segregated in nursery and primary schools was currently higher than when those measures had been introduced. Was the Government planning any alternative action to put an end to that segregation?

21. **Ms. Pazartzis**, referring to paragraph 223 of the State party's report relating to unaccompanied and separated migrant children, asked how the rules of procedure for dealing with such children that had been adopted by the Government in 2013 were applied in practice. She asked the delegation to comment on reports that the guardianship of minors was sometimes assigned to persons who lacked the necessary qualifications. Lastly, she would like to know whether free legal aid was available to children, in particular unaccompanied minors and asylum seekers.

22. **Mr. de Frouville** asked the delegation to explain what efforts were being made to locate and exhume the remains of the approximately 900 persons who had disappeared during the conflict between 1991 and 1995 and had not yet been accounted for. Could the delegation comment on claims of an ethnic bias in the exhumation process?

23. **Mr. Politi**, referring to paragraph 138 of the State party's report, asked whether the documentation relating to the proceedings instituted against Ante Gotovina, Mladen Markač and Ivan Čermak before ICTY had been made available to the State party and, if so, whether any action had been taken as a result.

24. **Ms. Jelić** asked what concrete measures had been taken to safeguard the right of national minorities to the equal use of their languages and scripts in public spaces, in particular in view of the protests surrounding the placement of Cyrillic signs on public administration buildings in Vukovar. While welcoming the establishment of national minority councils within the State party, she was concerned by reports that they lacked adequate funding, that there was insufficient cooperation with local authorities and that the low turnout in elections to those councils had undermined the legitimacy of the electoral process. She wished to know what the Government was doing to address those issues.

The meeting was suspended at 11.45 a.m. and resumed at 12.05 p.m.

25. **Mr. Boršić** (Croatia), replying to a question concerning an alleged lack of impartiality or ethnic bias on the part of the Croatian authorities in the prosecution of war crimes, said that, although proceedings initiated during the conflict had not concerned Croatian military personnel, that was no longer the case. There were in fact a large number of cases against such persons currently in process. He could not comment on the Grubori case since it remained sub judice. In the case concerning war crimes in Prokljan and Mandići, one of the defendants had been convicted and sentenced to 7 years' imprisonment; the other three defendants had been sent for retrial. The Republic of Croatia cooperated fully with ICTY in the prosecution of war crimes.

26. With regard to domestic investigations into war crimes and crimes against humanity committed during Operation Storm, cooperation with ICTY had been necessary since it had gathered evidence, including witness statements, that had not previously been available to the Croatian judicial authorities. A priority list of war crimes had been drawn up at the national and regional levels on the basis of, inter alia, the number of victims and the positions held by the perpetrators. Several high-ranking police and military officials had already been prosecuted, indicating that there was no partiality in the selection of cases.

27. **Ms. Plazzeriano** (Croatia) said that, in 2014, in response to recommendations from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Government had adopted an ordinance on the admission and treatment of detainees, which provided the legal basis for addressing inadequate prison conditions. Steps were being taken to refurbish facilities and a system had been introduced for the monitoring of detainees. All arrests were recorded electronically in a database managed by the Ministry of the Interior.

28. **Ms. Artuković Kunšt** (Croatia) said that, in recent years, significant efforts had been made to enhance prison conditions, including by promoting alternatives to imprisonment, and that the Government was aware of the need to increase prison capacity. During an on-site inspection of Lepoglava prison in 2014, there had been signs of progress in that regard. In response to a question about the standard of health care, she said that prison doctors had been hired and that all inmates, regardless of nationality, were entitled to health insurance.

29. **Mr. Sočanac** (Croatia) said that the Government was drafting a new national plan to combat human trafficking for the period 2016–2019 and had adopted three protocols, which were listed in paragraph 196 of the periodic report (CCPR/C/HRV/3). A hotline for victims had been in operation for 10 years and two shelters had been opened: one for children and one for adults. The shelters were run by NGOs that participated actively in government programmes and initiatives to prevent human trafficking, which, in Croatia, occurred mainly internally. In 2014, there had been 37 recorded cases. The much higher estimates cited by the Committee were incorrect. The number of convictions was relatively low as judges were reluctant to deliver final verdicts until the existence of a human trafficking offence had been established beyond doubt. Additional training courses had been organized

to address the issue and it was hoped that, in 2015, Croatia would regain Tier 1 status in accordance with the criteria of the Office to Monitor and Combat Trafficking in Persons.

30. Croatia was a party to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. With regard to anti-Cyrillic protests in Vukovar, he said that, in 2014, the Constitutional Court had rejected calls for a referendum to amend domestic legislation, so that bilingual rights in local government and public offices applied only in areas where a minority accounted for at least 50 per cent of the population, rather than the established 30 per cent. The Court had, however, ruled that Vukovar city council should be responsible for deciding whether or not to put up bilingual signs and that the national Government should have no further influence.

31. It was proving difficult to implement article 22 of the Constitutional Act on the Rights of National Minorities because of high levels of unemployment; in 2012, just 38 per cent of persons from national minorities had been in work. Since 2011, the number of reported hate crimes against LGBT persons had fallen.

32. **Ms. Artuković Kunšt** (Croatia), in reply to a question about the LGBT pride march in Split on 11 June 2011, drew the Committee's attention to paragraph 73 of the periodic report. As to domestic provisions on defamation, the Government was drafting amendments to the Criminal Code to exclude liability in the case of factual, journalistic material published in the public interest. The amendments, which would be finalized by the end of 2015, would also lead to only the most serious forms of defamation being punishable.

33. **Ms. Štimac Radin** (Croatia) said that human rights, including women's rights, were the subject of ongoing debates at the local and national levels and that texts such as the Beijing Declaration and the Convention on the Elimination of All Forms of Discrimination against Women had been translated into Croatian and published in hard copy and online. The Office for Gender Equality had developed and implemented several national policies that served as the basis for the Gender Equality Act. It used a set of indicators to gauge the effectiveness of the policies and submitted a progress report to the Government every two years.

34. Among the Government's many achievements in the area of gender equality, she highlighted the development of a strategy to encourage women entrepreneurs for the period 2014–2020, efforts to implement United Nations Security Council resolution 1325 (2000), awareness-raising among the general public, the gathering of sex-disaggregated data, the adoption of gender-sensitive policies by government ministries and the election of a first female president in January 2015. NGOs played an important role in policymaking and regularly received funding from the State.

35. The Government had adopted rules of procedure for cases of sexual violence and domestic violence, translated the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, holding discussions on its ratification, and drafted a bill on victims of sexual violence during the Croatian War of Independence that had been brought before parliament. It had also organized seminars and workshops as part of the process of drafting a national action plan to improve the situation of rural women and had sought to include a gender dimension in the draft Rural Development Programme for the period 2014–2020.

36. **Ms. Morosini Turčinović** (Croatia) said that 20 years had passed since the opening of the first shelter for victims of domestic violence. Measures were in place to provide support and protection to victims and psychosocial treatment to perpetrators. The greatest challenge in that regard was raising awareness of the resources available. Croatia acknowledged the need to strengthen trust in public institutions and in the Government's ability to respond to cases of domestic violence, which were addressed at the regional level with the participation of civil society organizations. An ordinance had been adopted to

regulate the quality of care in shelters, requiring social service providers to satisfy 17 minimum standards, which were continuously updated and related, inter alia, to access to information and the handling of complaints.

37. **Sir Nigel Rodley** invited the delegation to respond to reports of inadequate conditions in Zagreb prison, in particular that dormitories measuring 16 square metres were used to accommodate as many as seven inmates for 22 hours a day, toilets were not properly separated from living and dining areas, inmates were forced to eat on their beds because of a lack of chairs, and, despite a Constitutional Court decision of 2009 ordering the Government to increase the prison's capacity within five years, the necessary work had not even begun. He would welcome information on the time frame for ensuring adequate conditions in all places of detention in the State party.

38. **Mr. Muhumuza**, noting with interest that arms exports fell within the remit of the Ministry of Economy, as if to emphasize the monetary benefits and ignore concerns such as international peace and security, asked whether the Government planned to intensify efforts to prevent weapons manufactured in Croatia from being used by terrorists.

39. **Mr. Rodríguez-Rescia** asked whether the State party had adopted strategies for deinstitutionalization.

40. **Mr. Vardzelashvili** asked the delegation to provide official estimates of the number of victims of sex and labour trafficking in Croatia.

41. **Mr. de Frouville**, noting that he had not received a reply to his question on disappeared persons, invited the delegation to provide answers in writing.

42. **Ms. Artuković Kunšt** (Croatia) said that plans to renovate Zagreb prison were well under way and construction work was about to begin. A system had been established to provide outpatient care to persons with intellectual and/or psychosocial disabilities, leading to a reduction in the number of persons housed in institutions. Any outstanding replies would be submitted to the Committee in writing within 48 hours.

The meeting rose at 1.05 p.m.